



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON NAVY YARD DC 20374

IN REPLY REFER TO:
5720
Ser 14/410
September 9, 2015

Mr. Tom Sikes

(b) (6)

SUBJECT: FREEDOM OF INFORMATION ACT (FOIA) APPEAL DON-NAVY-2015
008303

This responds to your letter dated August 12, 2015 pertaining to your request to Naval Criminal Investigative Service (NCIS) to provide you documents concerning Admiral J. M. Boorda, U.S. Navy, pursuant to the FOIA. Specifically, you requested "any and all records documenting the transmission or release of either the above-mentioned back seat contents, or copies thereof, to any parties outside NCIS... [including] the names and affiliations or addresses of the respective parties." In its letter dated July 22, 2015, NCIS explained that its Washington Field Office Evidence Custodian did not have any responsive documents other than what appears in the Report of Investigation, which was previously provided to you, and that "standard procedure in documenting a transmission of evidence would be reported via an Evidence Custody document."

Your appeal is a request for a final determination under the FOIA. I have determined that the initial denial authority (IDA), NCIS, failed to properly respond to your request and/or refer your request for information to the proper office. Accordingly, your appeal is granted.

NCIS will respond directly to your request within 20 business days of the date of this letter and you will retain the right to again appeal their response to this office.

If you have any questions regarding this case, please contact Lieutenant (b) (6) JAGC, USN, who may be reached at (b) (6) @navy.mil or (b) (6)

Sincerely

(b) (6)

G. E. LATTIN
Director
General Litigation Division

Copy to:
DNS-36
NCIS